

REMARKS

Claims 1-30 and 32-37 are the only claims pending.

Claims 1, 15, 24 and 28 are currently amended.

Claims 8, 16 and 19 are cancelled.

Claim 1 is currently amended to add the term "household cleaning or laundry care" between the words "aqueous" and "formulation". Support for this amendment is located in paragraph [0045] and the Working Examples of US 2005/0245668, the pre-grant publication of the instant invention, and Instant Claim 19. Claim 19 is now moot and therefore cancelled.

Claim 1 is further amended to fully describe what group of water soluble ethylenically unsaturated monomers is selected from. Support for this amendment is located in paragraphs [0013] and [0014] of US 2005/0245668, the pre-grant publication of the instant invention.

Claim 1 is amended to change the lower limit of cross-linking agent to more than 500 ppm based on the weight of component a). Support for this amendment is found in paragraph [0033] of US 2005/0245668, the pre-grant publication of the instant invention. Accordingly, Claim 8 is cancelled.

Claim 15 is amended to change the weight range of cross-linking agent to 500-1000 ppm based on the weight of component a). Support for this amendment is found in paragraph [0033] of US 2005/0245668, the pre-grant publication of the instant invention. Accordingly, Claim 16 is cancelled.

Claim 24 is amended to fully describe what group of water soluble ethylenically unsaturated monomers is selected from. Support for this amendment is located in paragraphs [0186] and [0187] of US 2005/0245668, the pre-grant publication of the instant invention.

Claim 28 is currently amended to correct punctuation. A period is added to the end of Claim 28 that was inadvertently deleted in the preliminary amendment.

No new matter has been added.

Claims 1-7, 9-15, 17-18, 20-30 and 32-37 are presented for reconsideration.

Information Disclosure Statement

Some of the references on Form PTO-1449 were not available to the Examiner to be reviewed. Submitted herewith is a Supplemental Information Disclosure Statement with these references. The Examiner is kindly requested receipt and consideration of these references by returning an initialed copy of the Supplemental Information Disclosure Statement.

Claim Rejections – Nonstatutory Double Patenting

Claims 1-30 and 32-37 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of copending Application No. 10/536,607. A Terminal Disclaimer over Application No. 10/536,607 is filed herewith.

Claims 1-30 and 32-37 are provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 and 18-22 of copending Application No. 10/535,799. A Terminal Disclaimer over Application No. 10/535,799 is filed herewith.

The present nonstatutory double patenting provisional rejections are addressed and are overcome.

Claim Rejections – 35 USC 112 Second Paragraph

Claims 5 and 27 are rejected under 35 USC 112 second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regard as the invention. The recitation “the non-ionic monomer of component a)” lacks antecedent basis in claim 1.

Claim 1 is amended to fully describe what group of water soluble ethylenically unsaturated monomers is selected from. Support for this amendment is located in paragraphs [0013] and [0014] of US 2005/0245668, the pre-grant publication of the instant invention.

Claim 24 is amended to fully describe what group of water soluble ethylenically unsaturated monomers is selected from. Support for this amendment is located in paragraphs [0186] and [0187] of US 2005/0245668, the pre-grant publication of the instant invention.

The present 35 USC 112 second paragraph rejections are addressed and are overcome.

Claim Rejections – 35 USC 102(b)

Claims 1-19, 24-30 and 32-37 are rejected under 35 USC 102(b) as being anticipated by EP 374,458 A2 (Neff et al.).

Neff et al. describes water-soluble, high molecular weight polymeric flocculants for dewatering solids suspended in aqueous suspensions. These polymeric flocculating agents are crosslinked with 4 to 80 molar parts per million of a crosslinking (branching) agent; found on page 3, line 51 and claim 1.

The Examiner states in the Office Action that the crosslinker, methylene bisacrylamide, is present in 1160 ppm based on cationic monomer. The Applicants respectfully disagree with this statement. The crosslinker is present in 10 ppm based on total initial monomer content or 15.5 ppm based on cationic monomer content alone. The value of 10 ppm is stated on page 6, line 56 of EP 374,458. The level of crosslinker contained in each polymer, in parts per million, is shown in Tables 1-14. Furthermore, the units of parts per million based on weight (wppm) is clearly equated to molar parts per million (mppm). According to Neff et al., the largest level of crosslinker based on weight is 123.4 ppm (because of increased molecular weight of the crosslinker) as shown Examples 11 and 30, located in Tables 2 and 7, respectively.

Claims 1 and 15 are amended to change the lower limit of cross-linking agent from more than 50 ppm to more than 500 ppm based on the weight of component a). Support for this amendment is found in paragraph [0033] of US 2005/0245668, the pre-grant publication of the instant invention. Accordingly, Claims 8 and 16 are cancelled.

With these amendments, a clear line of demarcation exists between the instant invention and EP 374,458; therefore, EP 374,458 does not anticipate the amended claims.

The present claim 35 USC 102(b) rejection is addressed and overcome.

Claim Rejections – 35 USC 103(a)

Claims 1-30 and 32-37 are rejected under 35 USC 103(a) as being unpatentable over Ceulemans et al. (EP 799,887). The reference discloses fabric softener compositions comprising 0.01-10% by weight of a fabric softener; at least 0.001% of a thickening agent and a chelate (p.2, lines 49+). Suitable thickeners include cationic polymers made from 5-90% acrylamide with dialkylaminoalkyl acrylate co-monomers or quarternized derivatives. Crosslinking agents, including methylene bisacrylamide, are used in concentrations from 5 to 45 ppm based on monomer content. According to EP 799,887, extreme care should be taken not to exceed a crosslinker concentration of 45 ppm based on monomer. This is evident by the disclosure on page 8 lines 21-33 of EP 799,887.

The instant invention provides thickened aqueous household cleaning or laundry care formulations containing cationic polymers or copolymers that are highly crosslinked with crosslinking agents at concentrations of more than 500 parts per million based on total initial monomer content of component a). There is neither taught nor suggested by the teachings of Ceulemans et al.

Hence, one of ordinary skill in the art would not have been motivated to invent the instant formulations based on the disclosure of Ceulemans et al.; therefore, the instant invention is not obvious.

Claims 1-19, 24-30 and 32-37 are rejected under 35 USC 103(a) as being unpatentable over EP 374,458 A2.

EP 374,458 is concerned with polymeric flocculating agents used to dewater suspended solids and other industrial sludges, especially sewage sludges; see page 3, lines 14-18; page 6, lines 37-40; Working Examples 13-35 and 37; and the data contained in Tables 4-8 and 10. Additionally, the polymers of EP 374,458 are crosslinked with branching agents at concentrations ranging from 4 to 80 molar parts per million based on initial monomer content.

The instant invention provides thickened aqueous household cleaning or laundry care formulations containing cationic polymers or copolymers that are highly crosslinked with crosslinking agents at concentrations of more than 500 parts per million based on total initial monomer content of component a). There is neither taught nor suggested by the teachings of Neff et al.

Hence, one of ordinary skill in the art would not have been motivated to invent the instant formulations based on the disclosure of Neff et al.; therefore, the instant invention is not obvious.

The present claim 35 USC 103(a) rejections are addressed and overcome.

The Examiner is kindly requested to reconsider and to withdraw the present rejections.

Applicants submit that the present claims are in condition for allowance and respectfully request that they be found allowable.

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Enclosure : Second Supplemental IDS

Terminal Disclaimer over US Application No. 10/536,607

Terminal Disclaimer over US Application No. 10/535,799

One Month Extension of Time

Respectfully submitted,

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